



New Hampshire Fish and Game Department

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June 10, 2019

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department (NHFGD) to enter into a sole source Memorandum of Agreement with the United States Fish and Wildlife Service (Vendor Code 175773) in the amount of \$48,000 to provide partial funding to raise approximately 50,000 Landlocked Atlantic Salmon at Nashua National Fish Hatchery, effective upon Governor and Council approval through June 30, 2023. Funding is 100% Fish and Game Funds.

Funding for this agreement is available as follows:

03 75 75 752020-21320000 Inland Fisheries Management – Hatcheries

	<u>FY2020*</u>	<u>FY2021*</u>	<u>FY2022*</u>	<u>FY2023*</u>
20-07500-21320000-020-500252 Current Expenses	\$12,000	\$12,000	\$12,000	\$12,000

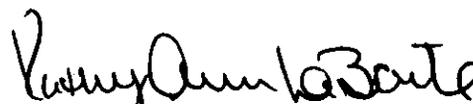
*pending budget approval

EXPLANATION

Due to the water quality concerns in which the Powder Mill State Fish Hatchery in New Durham, NH is a contributing factor in the Merrymeeting River watershed, this agreement will enable the NHFGD to reduce the amount of fish production at Powder Mill Hatchery on a temporary basis. Raising 50,000 Landlocked Atlantic Salmon for our popular state wide salmon fishing program at Nashua National Fish Hatchery (NNFH) will help reduce the impacts of hatchery operations in the Merrymeeting River watershed and enable us to continue our program without interruption. The United States Fish & Wildlife Service (USFWS) will charge NHFGD \$1,000 per month to raise these salmon on our behalf. Funds will reimburse the USFWS general operating costs and staff expenses associated with fish production. This agreement will enable NHFGD to temporarily shift salmon production while it works toward capital improvements to construct a waste water effluent treatment system at the Powder Mill State Fish Hatchery.

Respectfully submitted,


Glenn Normandeau
Executive Director


Kathy Ann LaBonte
Chief, Business Division

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES FISH AND WILDLIFE SERVICE
AND
THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT**

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to outline the responsibilities of the parties for raising landlocked Atlantic Salmon (LLS) to be stocked into waters of the State of New Hampshire.

II. PARTIES

The parties to this agreement are the United States Fish and Wildlife Service (hereinafter USFWS) Nashua National Fish Hatchery (hereinafter NNFH) and the New Hampshire Fish and Game Department (hereinafter NHFGD).

III. AUTHORITY

This agreement is being entered into under the Authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401), as amended by the Act of June 24, 1936, Ch. 764, 49 Stat. 913; the Act of August 14, 1946, Ch. 965, 60 Stat. 1080; the Act of August 5, 1947, Ch. 489, 61 Stat. 770; the Act of May 19, 1948, Ch. 310, 62 Stat. 240; P.L. 325, October 6, 1949, 63 Stat. 708; P.L. 85-624, August 12, 1958, 72 Stat. 563; and P.L. 89-72, 79 Stat. 216, July 9, 1965.

IV. SCOPE OF WORK

The purpose of this project is to raise approximately 50,000 landlocked Atlantic salmon at Nashua National Fish Hatchery (NNFH) to be stocked into State of New Hampshire waters identified by NHFGD.

The NHFGD agrees to complete, under this MOA, the following:

1. Collect and fertilize approximately 100,000 feral LLS eggs to be delivered to NNFH.
2. Collect ovarian fluid samples and ship to USFWS Fish Health Diagnostic Laboratories in Lamar, PA for fish health diagnostics.
3. Purchase all fish food necessary to be delivered to NNFH.
4. Provide labor, as necessary, to assist with operation and propagation at the request of USFWS.
5. Provide transportation of LLS to stocking destination including assistance with capturing and loading.

The USFWS agrees to complete, under this MOA, the following:

1. Provide staff members to oversee daily operations and propagation of approximately 50,000 LLS to achieve a target size of 8-10 fish per pound.
2. Fish will be received as eggs and will be held until May of the following year.

V. FUNDING

The NHFGD will provide funding reimbursement for general operation to the USFWS in the amount of \$1,000.00 per month to cover operational expenses. USFWS will invoice NHFGD quarterly and payment will be received from NHFGD within 30 days.

VI. TERMINATION

Either party may terminate this agreement upon providing written notice to the other thirty (30) days prior to termination. Notwithstanding any provision of this Agreement to be contrary, all obligations of the NHFGD hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability and continued appropriation of funds, and in no event shall the NHFGD be liable for any payments hereunder in excess of such available appropriated funds. In the event of a reduction or termination of appropriated funds, the NHFGD shall have the right to withhold payments until such funds become available, if ever, and shall have the right to terminate this Agreement.

VII. DURATION

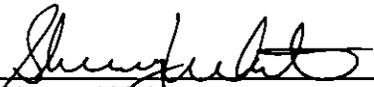
This agreement shall continue in effect for a period of four (four) years from July 1, 2019 through June 30, 2023 unless terminated earlier by either party, or extended in writing by subsequent agreement of the parties.

VIII. AGREEMENT

In WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve the agreement.

US Fish and Wildlife Service

NH Fish and Game Department



Sherry White
Assistant Regional Director Fish and Aquatic
Conservation (FAC)



Glenn Normandeau
Executive Director

5-31-19

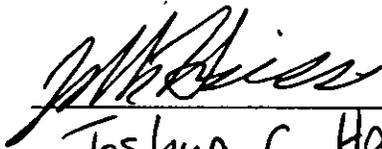
Date

5/6/2019

Date

Approved by the Attorney General this 14th day of June, 2019, as to form, execution and substance.

OFFICE OF THE ATTORNEY GENERAL



Joshua C. Harrison
Assistant Attorney General

EXHIBIT A

SCOPE OF SERVICES

The purpose of this project is to raise approximately 50,000 Landlocked Atlantic Salmon at Nashua National Fish Hatchery (NNFH) to be stocked into State of New Hampshire waters identified by NHFGD.

The NHFGD agrees to complete, under this MOA, the following:

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The USFWS agrees to complete, under this MOA, the following:

1. Provide staff members to oversee daily operations and propagation of approximately 50,000 LLS to achieve a target size of 8-10 fish per pound.
2. Fish will be received as eggs and will be held until May of the following year.

EXHIBIT B

METHOD OF PAYMENT

The NHFGD will provide funding reimbursement for general operation to the USFWS in the amount of \$1,000.00 per month to cover operational expenses. USFWS will invoice NHFGD quarterly and payment will be received from NHFGD within 30 days. The following appropriation code shall be referenced on the invoice: 20-07500-21320000-020-500252.

EXHIBIT C

SPECIAL PROVISIONS

None.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589

REGIONAL DIRECTOR'S ORDER NO. 18-01

Date: June 28, 2018

Subject: Delegation of Authority

Sec. 1 What is the purpose of this Order? This Order replaces Regional Director's (RD) Order 16-01, dated October 11, 2016. This Order provides policy on delegation of signature authority within Region 5. The listing in Section 5 indicates the approved signature levels for various types of documents.

Sec. 2 What is the scope of this Order? This Order applies to Region 5 offices.

Sec. 3 What is the authority of this Order? U.S. Fish and Wildlife Service (Service; FWS) and U.S. Department of the Interior (Department; DOI) policy contain several opportunities for delegation of the RD's signature to lower organizational levels.

Sec. 4 What is the policy on delegation of authority? All items that are delegated below the level of RD still require proper coordination from other involved programs, including Regional Directorate Team (RDT) member surname by the involved RDT members. The definition of RDT member for delegation of authority purposes includes: the Assistant Regional Directors (ARD) including the Regional Chief (RC)-National Wildlife Refuge System (NWRS), the Chief (C)-Migratory Birds, and the C-Wildlife and Sport Fish Restoration (WSFR).

Sec. 5 Responsibilities. All RDT members are to use their best judgment in keeping the RD and Deputy Regional Director informed about sensitive or controversial issues and will recognize the importance of sending responses to sensitive or controversial correspondence to the RD's Office for signature. The delegations of RD signature authority are as follows:

1. Archaeological Permits	RDT members may approve Archaeological Resources Protection Act permits.
2. Audits	The C-WSFR may approve the following: <ul style="list-style-type: none">• Responses to draft Office of the Inspector General (OIG) Corrective Action Plans for state audits.• Audit sample submissions required by the OIG or their agents.• Audit sample submissions required to comply with Office of Management and Budget Circular A-123.

3. Awards	<ul style="list-style-type: none"> • Special Thanks for Achieving Results (STAR) awards up to the amount of \$1,000 may be approved by project leaders. STAR awards up to the amount of \$4,000 may be approved by RDT members. • Performance Awards up to the amount of \$2,500 may be approved by project leaders. Performance awards above \$2,500 may be approved by RDT members. Quality step increases (QSI) must be approved by an RDT member. RDT members must notify the Deputy Regional Director of all QSIs within their respective program. • Two chain of command supervisory signatures are required for all awards.
4. Closure of Field Stations	<ul style="list-style-type: none"> • Field station project leaders are delegated the authority to close their field station during periods of inclement weather or emergencies in order to ensure employee safety. When exercising this authority, project leaders must notify their Regional Office supervisor, an RDT member, and the Region's Emergency Coordinator once the decision to close, or close to the public, is made. • Project leaders and field station employees must comply with the requirements of Section 1.14 of the Service Manual chapter 226 FW1 regarding conditions under which management can authorize administrative dismissals of employees. As required by the Telework Enhancement Act of 2010 (Public Law 111-292), unscheduled telework shall be incorporated into the continuity of operations plans for situations such as inclement weather. We highly encourage the use of unscheduled telework during periods of inclement weather. For telework guidance, please review the <u>RD's Order 16-03, Telework Policy</u>.
5. Contributed Funds	<ul style="list-style-type: none"> • RDT members will inform the RD when their respective program accepts donations over \$10,000. <p><u>FWS Policy on Accepting Donations</u></p>
6. Cultural Resource Management-Related Agreements	<ul style="list-style-type: none"> • RDT members may serve as the signatory official for Memoranda of Agreement, Memoranda of Understanding, and other agreements related to cultural resources management related to compliance with 36 Code of Federal Regulations (CFR) 800, pursuant to Section 1.7 Table 1-2 of Service Manual chapter 614 FW 1, Policy, Responsibilities, and Definitions.
7. Endangered Species Permits	<ul style="list-style-type: none"> • The ARD-Ecological Services may issue, deny, suspend, or revoke permits for endangered and threatened species including section 10(a)(1)(A) enhancement of survival permits associated with Safe Harbor Agreements or Candidate Conservation Agreements with Assurances and section 10(a)(1)(B) incidental take permits associated with Habitat Conservation Plans. The C-Endangered Species may issue, deny, suspend, or revoke section 10(a)(1)(A) recovery permits

	<p>for endangered and threatened species. These delegations apply to permits and all associated permit documents including National Environmental Policy Act documents, agreements, permit findings, biological opinions, and Federal Register notices.</p>
<p>8. Financial Agreements, Contracting, and Leased Space</p>	<ul style="list-style-type: none"> • Pursuant to FWS policy as stated in 516 FW 3, Signature Authority for Grant and Cooperative Agreement Awards, for Cooperative and Grant Agreements, excluding those produced by WSFR or that require the Director's signature, the re-delegated signature authority to senior staff specialists is granted as long as: <ol style="list-style-type: none"> 1. The award has been surnamed for sufficiency by a reviewer who has met the Grants Management certification requirements. 2. The signator has received at least 24 hours of formal training on: <ul style="list-style-type: none"> • The parts of the CFR related to the administration of grant and cooperative agreement awards, and • Department and Service policies that apply to grant and cooperative agreement awards. <p>Training on basic administration and management concepts of financial assistance (i.e., grants and cooperative agreement awards) is available through WSFR, the Department's DOI Learn system, other Federal agencies, professional associations, and commercial entities.</p> 3. The signator is not the Service Project Officer, Coordinator, Leader, or Manager assigned to manage and monitor the grant or cooperative agreement award being signed. 4. Staff given authority to sign award documents must be able to provide evidence of their formal training compliance during subsequent management reviews or audits. • Signature authority for grant award letters from WSFR is delegated to the C-WSFR. • Signature on purchase orders, contracts, and non-General Services Administration (GSA) leases continues to be restricted to individuals holding the appropriate certificates of appointment. The Service has no authority to delegate signature authority.
<p>9. Freedom of Information Act (FOIA) Denials</p>	<ul style="list-style-type: none"> • The RD may reassign responsibility for FOIA denials on a standing or case-by-case basis pursuant to 383 DM 15 HB. The RD re-delegates the following to the RDT members:

	<p>1. Responsibility and signature-level authority for all FOIA denials, whole or in part, where the Service provides appeals rights. These include all decisions to:</p> <ol style="list-style-type: none"> a. Withhold requested records; b. Release records that are exempt from disclosure; c. Deny fee waivers; d. Deny requests for expedited processing; e. Take extensions beyond 10 workdays afforded by regulation; and f. Reply that records do not exist, are lost, or cannot be located. <p>This re-delegation is subject to the following:</p> <ol style="list-style-type: none"> 1. The RD shall be given an opportunity to review any proposed denial that involves the withholding of responsive materials provided by that office, or as specifically requested. RDT members, at their discretion, may confer with the RD regarding litigation sensitive or controversial matters. 2. Pursuant to 383 DM 15 HB, withholdings, release of exempted records, and denial of fee waivers require consultation with the relevant component of the Solicitor's Office. It may be advisable, though, to consult with the Solicitor's Office in other circumstances, especially where litigation is anticipated.
10. Friends Partnership Agreements	<ul style="list-style-type: none"> • RDT members may review, approve, and sign Friends Partnership Agreements.
11. Hiring	<ul style="list-style-type: none"> • The RD will approve all position selections that are GS-14 and GS-15. All supervisory GS-12 and above position selections will be approved by the RD prior to finalizing. All other position selection approvals are delegated to the RDT. RDT members are expected to inform the RDT about all advertisements prior to advertising. RDT members will notify the RD about all permanent position selections.
12. Integrated Natural Resources Management Plans (INRMP)	<ul style="list-style-type: none"> • Pursuant to 507 FW 1, Section 1.7, Delegation of Authority – Sikes Act, field supervisors may provide INRMP concurrence.

<p>13. Land and Water Management</p>	<ul style="list-style-type: none"> • Acquisition of Land and Interests in Land – As set forth in 033 FW 13, Real Property Management, RDs may exercise the authority of the Director for the performance of appraisal and pre- and post-land acquisition functions as set forth in 033 FW and 340-343 FW. All the authorities of the RD for the performance of appraisal and pre- and post-land acquisition functions, except for the limitations described below, are delegated to the Senior Realty Officer (C-Division of Realty); or a designated Acting Senior Realty Officer. This includes the acceptance of agreements for the purchase of lands, or interests in lands, and land exchanges on behalf of the United States, within approved acquisition boundaries. <p><u>Limitations</u></p> <p>RD authority does not include the following:</p> <ol style="list-style-type: none"> a. All acquisitions under the Migratory Bird Conservation Act require approval of the Migratory Bird Conservation Commission, regardless of size or value. b. Any Servicewide directives implementing, clarifying, or supplementing the appraisal and land acquisition portions of the Interior Property Management Regulations system must be approved by the Assistant Secretary-Policy, Management, and Budget prior to the Director's issuance (205 DM 10.4B). <ul style="list-style-type: none"> • Waiver Valuations – Pursuant to the authority set forth in 49 CFR Part 24.102, the authority to prepare a waiver valuation and sign the associated Statement of Just Compensation is delegated to the Senior Realty Officer, with authority to further re-delegate to field staff, as appropriate. The Senior Realty Officer shall ensure that the waiver valuation and the Statement of Just Compensation are in the proper form and format.
<p>14. Policy Formulation, Correspondence, and Scheduled Reports</p>	<ul style="list-style-type: none"> • Correspondence that reflects the final Regional position on program policies will not be delegated below the RD's office. • Comments on draft Servicewide policy are delegated to the program RDT members. RDT members may further delegate this to Division or Office Chiefs. This is acceptable under the condition that the policy under review will be sent to the Regions requesting formal review when in final draft form. Copies of signed comments on such draft policies are to be submitted to the RD's Office as information. Final Region 5 comments on draft Servicewide policy will continue to be signed by the RD. • Signature of congressional correspondence addressed to the RD, either received directly or controlled to the Region through the Data Tracking

	<p>System (DTS), will remain with the RD. On a case-by-case basis the RD may choose to delegate signature authority.</p> <ul style="list-style-type: none"> • Correspondence delegated to the RD for preparation of draft response for Director's signature via DTS will require the appropriate RDT member surname approval prior to RD signature. • RDT members may sign all routine internal and external correspondence either coming to the RD's Office or received through DTS. Examples include basic information requests from the public, states, or organizations; letters in response to non-congressional inquiries and concerns; correspondence on grants; or requests that involve frequent and regular requests for data or information. Correspondence copies to the RD are required for any sensitive issues, with additional briefings at the RDT member's discretion. • RDT members may approve any Federal Register Notice of Intent (NOI) that simply informs the public of an upcoming event, meeting, or the initiation of the development of a Comprehensive Conservation Plan (CCP) or a project with an associated Environmental Impact Statement (EIS). CCP-related Federal Register Notices must have a Solicitor's surname prior to RDT approval. RD approval is not required for Federal Register notices for endangered species permit actions (see section 7, Endangered Species Permits). Any Federal Register Notice that is subject to a proposed or final Service decision would remain at the RD level. • Some routine scheduled reports related to program administration are delegated to the RDT member. These and similar reports may be further re-delegated by the RDT member to the Division or Office Chief level, as appropriate. Copies of delegated routine scheduled reports must be provided to the RD's Office via e-mail. These include: <ul style="list-style-type: none"> • Quarterly Delegated Examining Unit Report • Quarterly 45-day Hiring Report • Annual Federal Personnel Payroll System Revalidation • Annual Special Salary Rate Report • Reports for Special Hiring • Annual Ethics Questionnaire • Annual Ethics Report • Monthly Ethics Report on Office of Government Ethics Form 450 Filers • Annual Report of Union Use of Official Time • Employee Performance Appraisal Plans • Foreign Travel Projections Report • Corporate Master Table Review
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	<ul style="list-style-type: none"> • Charge Card Exception Report • Imprest Fund Review • Review of Aged Outstanding Undelivered Orders • Acquisition Management Review • Property Management Review • Construction Forecast • Identification of Visitor Facility Enhancement Projects • Construction Work in Progress Reports • Annual Central Hazardous Materials Fund Project Nominations • Environmental Compliance and Contracting Annual Audit Schedule submissions • Congressional District Report • Regional Shared Costs Report • Certification of Undelivered Orders
15. Public and Media Contact	<ul style="list-style-type: none"> • News releases and materials such as species fact sheets are authorized for release at the ARD-External Affairs (EA) level. Anything policy-oriented, potentially controversial, or expected to draw widespread comment will be authorized by the RD's Office. • Field stations issue routine field-level news releases and handle news media contacts, informing EA promptly when contacted by national-level news media. Anything policy oriented, potentially controversial, or expected to draw widespread comment will be coordinated with EA in the Regional Office.
16. Realty Processes	<ul style="list-style-type: none"> • Serving as the RD, the RC-NWRS, the Realty Officer, and the C-WSFR have the authority to request reviews of third-party real estate appraisals by the Department's Office of Valuation Services. • Serving as the RD, the RC-NWRS and the C-WSFR may approve utility and right-of-way easements and permits processed in accordance with Service, NWRS, and WSFR standards and procedures. • Serving as the RD, the C-WSFR may approve exceptions to requirements in the Service Manual chapters for Real Property Acquisition in accordance with requirements identified therein. • Serving as the RD, the C-WSFR may approve the recording of additional encumbrances to WSFR-acquired lands in accordance with the exception process outlined in 2 CFR 200 and other Federal requirements.
17. Reimbursable Agreements	<ul style="list-style-type: none"> • Per 264 FW 2, signature of acceptance is delegated to the RDT members with the following exceptions: approval of reimbursable agreements with local governments (governments below the state level), Tribal governments, and private entities over \$250,000 remains with the Director, as do waivers of advance payment from local governments (governments below the state level) and Tribal

	<p>governments for agreements over \$250,000 and from foreign governments for any amount. The Budget and Finance Officer's signature is required on the Reimbursable Agreement Data Form (Form 3-2058).</p> <ul style="list-style-type: none"> • Approval for all Requests for Exception to Cost Recovery Policy (Form 3-2208) is with the RD.
18. Relocation Allowances	<p>Pursuant to 205 DM 15.6, RDT members may approve the following relocation allowances:</p> <ul style="list-style-type: none"> • Approval of payment of travel and transportation allowances for new appointees, student trainees, and others traveling to their first duty station at Government expense. • Approval of payment of travel, transportation, and other authorized relocation allowances incident to the transfer of a Government employee from one duty station to another for the benefit of the Government. • Approval of an extension allowing an employee to occupy temporary quarters beyond 60 days. • Approval of an extension of temporary storage of household goods beyond the initial 90 days. • Approval of the shipment of professional books and papers as an administrative expense. <p>The delegation of authority does not include:</p> <ul style="list-style-type: none"> • Approval of an employee's written request for an extension of time beyond the initial 1 year authorized for the completion of the sale or purchase of a residence or lease termination. • Approval of non-temporary storage of household goods. • Approval of the emergency transportation and storage of a privately owned vehicle.
19. Travel	<ul style="list-style-type: none"> • The Region 5 Ethics Officer must approve the acceptance of employee travel expenses from non-Federal sources. This cannot be delegated.
20. Vehicles	<ul style="list-style-type: none"> • Serving as the RD, the RC-NWRS may approve requests by Refuge Law Enforcement Officers to take official Service vehicles home, as necessary and appropriate, to conduct their official duties. • Employees may not keep Government-owned or GSA vehicles at their residences either before or after official temporary duty travel unless it

	<p>is necessary for the official purpose of the trip. In accordance with 31 U.S.C. 1344, a passenger carrier may be used to transport between residence and place of employment if the agency determines that highly unusual circumstances present a clear and present danger, that an emergency exists, or that other compelling operational considerations make such transportation essential to the conduct of official business. The traveler must obtain pre-approval on the travel authorization and the employee's immediate supervisor must sign Form R5-11, Parking or Storage of Government Vehicle at Residence, authorizing the action in the case that parking a Government vehicle at a residence is required for an official purpose.</p>
21. Permit Applications	<ul style="list-style-type: none"> RDT members or their designee may approve permit applications for commercial audio-visual productions, approval of bond, and general liability insurance costs. This does not include requests to film or record endangered species.
22. Fee Changes	<ul style="list-style-type: none"> Serving as the RD, RC-NWRS has the authority to approve smaller recreation fee modifications (fee changes of \$10 or less or changes up to 20 percent of the current fee) and additional fee activities, if they are not controversial.
23. Transportation Improvement Plan (TIP)	<ul style="list-style-type: none"> Bi-annual project list review and approval can be signed by RC-NWRS prior to signing the TIP. Prior to signing the TIP, RC-NWRS will coordinate with FAC to make sure they are in concurrence.

Sec. 6 What is the effective date of this Order? This Order is effective immediately and remains in effect until it is amended, superseded, or otherwise revoked by the RD.



 Regional Director

6/28/2018

 Date